

REMARKS

Claims 2 - 8, 31 - 36, 38 - 44, 46 - 47, and 50 - 54 are pending. Claims 1, 9 - 15, 30, and 37 have been cancelled. Claims 52 - 54 have been added. Claims 2 - 4, 6 - 8, 31 - 36, 38 - 44, 46 - 47, and 50 - 51 have been amended. No new matter has been introduced. Reexamination and reconsideration of this application are respectfully requested.

In the August 16, 2004 Office Action, the Examiner rejected claims 1 - 15, 30 - 47, and 50 - 51 under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,199,076 to Logan et al. ("the Logan reference") in view of U.S. Patent No. 6,662,231 to Drosset et al ("the Drosset reference"). This rejection is respectfully traversed.

The Applicants appreciate the Examiner's willingness to discuss this office action in a phone interview on Tuesday, November 23, 2004, and wish to thank Examiner Neeven Abel Jalil for her time. Based on the interview with the Examiner, applicants have amended or rewritten the claims to cover and address the subjects which were discussed in the 11/23/04 interview.

Independent claim 52 recites (with emphasis added):

An automatic user preference detection computer system,
comprising:

a preference determination module, independent of a user computing device, to determine a preference profile for a user of a media content distribution source, the preference profile being based on previously determined media scores for the user and local media content files determined by scanning a disk drive of the user computer device to determine the local media content files stored on the user computing device;

a database, independent of the user computing device, to store the preference profile for the user of the media content file distribution source;

a score calculation module, independent of the user computing device, to determine a score for a media content file distributed to the user by the media content file distribution source, wherein the score is

calculated based on a comparison of a length of time in which the user allows the media content file to be played at the user computing device relative to a total length of the media content file; and

a processing module, independent of the user computing device, to modify the preference profile based on the score to create a new preference profile, wherein the processing module further selects a second media content file to distribute to the user based on the new preference profile.

The Logan reference does not disclose, teach, or suggest the automatic user preference detection computer system of claim 52, as amended. The Logan reference is directed to a host server that stores user data and usage log information received from the player (or user computing device). Col. 15 of the Logan reference describes the downloading of files not located on the player, where the player may perform a look-ahead operation, by pre-scanning the program sequence file to identify the program segments which are not in local storage and requesting those segments be downloaded. Also disclosed is the tagging of program segments in the usage file which are eligible for replacement if room is necessary for incoming segments. (*Logan*, col. 15, 1 - 20).

None of the above-identified disclosures in the Logan references discloses An automatic user preference detection computer system including **a preference determination module, independent of a user computing device**, to determine a preference profile for the user of the media content distribution source, **the preference profile being based on previously determined media scores for the user and local media content files determined by scanning a disk drive of the user computer device to determine the local media content files stored on the user computing device**. The Logan reference never discloses that **a preference determination**

module, which is independent of the computing device, scans a disk drive of the computing device. Instead, the Logan reference discloses that a pre-scanning of a program sequence file is completed by the **user computing device**. The Logan pre-scanning is not done by a **preference determination module independent of the user computing device**, and it is not done for **the determination of a preference profile**. Accordingly, applicants respectfully submit that claim 52 distinguishes over the Logan reference.

The Drosset reference does not make up for the deficiencies of the Logan reference. The Examiner states that the Drosset reference teaches a media content file distribution source which is independent of the user computing device. (Office Action, page 10). Assuming, *arguendo*, that the Drosset reference does disclose all the Examiner states that it does, the Drosset reference does not disclose a preference determination module, independent of a user computing device, to determine a preference profile for the user of the media content distribution source, **the preference profile being based on previously determined media scores for the user and local media content files determined by scanning a disk drive of the user computer device to determine the local media content files stored on the user computing device**. The Drosset reference does not disclose scanning of a disk drive of the user computing device. Accordingly, applicants respectfully submit that claim 52 distinguishes over the Drosset reference, alone or in combination, with the Logan reference.

Independent claims 51, 53, and 54 recite limitations similar to independent claim 52, as amended. Accordingly, applicants respectfully submit that independent claims

51, 53, and 54 distinguish over the Logan and Drosset references, alone or in combination, for similar reasons as discussed above in regard to independent claim 52.

Claim 2 - 8, 31 - 36, 38 - 47 and 50 depend, directly or indirectly, on independent claims 52, 53, and 54. Accordingly, applicants respectfully submit that claims 2 - 8, 31-36, 38 - 47, and 50 distinguish over the Logan and Drosset references, alone or in combination, for the same reasons as discussed above in regard to independent claims 51 - 54.

Dependent claim 44 further distinguishes over the Logan reference. Dependent claim 44 recites:

The automatic user preference detection system according to claim 52, **wherein the score calculation module stops calculating the score for succeeding media content files after a predetermined length of time if the user allows multiple media content files to be played in their entirety by not pressing a media control point.**

The Logan reference does not disclose, teach, or suggest the system of claim 44, as amended. The Examiner states that stops calculating is anticipated as follows: repeat selections ... all episodes ... maybe assigned a higher importance value, and this indicates that once preferences by user has been indicated all related content will carry the same score." (*Office Action, pages 10 - 11*). The Logan reference specifically discloses that program segments which are started but frequently skipped may have their importance value decreased while programs which are frequently selected from the catalog and listened to may have their importance values increased. (*Logan, col. 20, line 64 - col. 21, line 1*).

The applicants respectfully disagree with the Examiner. Decreasing importance values for a media file is not the same as a **score calculation module stopping**

calculating the score for succeeding media content files after a predetermined length of time if the user allows multiple media content files to be played in their entirety by not pressing a media control point. In the case of the Logan reference, scores are decreased if a media control point is pressed. In contrast, claim 44, as amended, recites **not pressing the control point and not calculating a score.** Accordingly, claim 44, as amended, further distinguishes over the Logan reference.

The Drosset reference does not make up for the deficiencies of the Logan reference. The Drosset reference does not mention that the not pressing of a media control point for a predetermined length of time results in the score calculation module stopping calculating scores for succeeding media content files. According, claim 44, as amended, distinguishes over the Drosset reference, alone or in combination with the Logan reference.

Dependent claims 46 and 47 recited similar limitations to claim 44, as amended. Accordingly, applicants respectfully submit that claims 46 and 47 further distinguish over the Logan reference for similar reasons as discussed above in regard to claim 44.

///

///

///

///

///

///

///

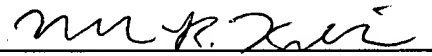
///

Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

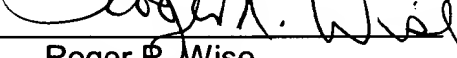
Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: December 13, 2004

By: 
Mark R. Kendrick
Registration No. 48,468
Attorney For Applicants

Date: December 13, 2004

By: 
Roger R. Wise
Registration No. 31,204
Attorney For Applicants

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033